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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
KASENGE, CHARLES R	
ART UNIT	PAPER NUMBER
2125	

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/683,300	GEE, MIKEL	
	Examiner	Art Unit	
	Charles R Kasenge	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 6-20* is/are rejected.

7)☒ Claim(s) *4* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/03/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed 11/3/04, with respect to the rejection(s)of claim(s) 1-20 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sullivan, II et al. U.S. Patent 4,324,987.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4 and 6-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan, II et al. U.S. Patent 4,324,987 in view of Blackett et al. U.S. Patent 6,751,562. Referring to claim 1, Sullivan discloses a method for supplying power, said method (abstract) comprising: supplying power to at least one critical device (col. 3, lines 4-15 and col. 12, lines 58-61); supplying power to at least one essential device (col. 3, lines 26-33 and col. 18, lines 17-22); remotely removing power to the at least one essential device while maintaining power to the at least one critical device, wherein said remotely removing power comprises remotely removing the power on receiving an instruction to remotely discontinuing power (col. 20, lines 24-39); and storing power in a storage device when a supply of power to the at least one essential device is discontinued (col. 20, lines 40-43). The Office interprets critical loads as lower priority loads and

critical loads as high priority loads. The Office interprets the method as remotely controlling since the management system is based at a power plant, but is able to control loads at commercial buildings (col. 4, lines 45-63).

Referring to claim 2, Sullivan discloses a method in accordance with claim 1 wherein remotely removing power comprises remotely removing power to the at least one essential device while maintaining power to the at least one critical device based on remotely monitoring the supplied power to the at least one critical device and the supplied power to the at least one essential device (col. 20, lines 24-39).

Referring to claims 7 and 19, Sullivan discloses an energy management system (abstract) comprising: a generation module (col. 4, lines 45-63); a first set of at least one power distribution unit remote from said generation module and communicatively coupled to said generation module, wherein at least one of said at least one power distribution unit in the first set is connected to at least one essential device (col. 20, lines 24-39); and a master control system remote from said generation module and said at least one power distribution unit in the first set, said master control system communicatively coupled to said generation module and said at least one power distribution unit in the first set (col. 2 and 3, lines 60-68 and 1-15); and an energy storage system configured to store power when said at least one power distribution unit in the first set discontinues supplying power to the at least one essential device (col. 20, lines 40-43).

Referring to claims 8 and 9, Sullivan discloses a system in accordance with claim 7 wherein said generation module comprises at least two power sources, said master control system configured to remotely monitor and diagnose said power sources (col. 2 and 3, lines 60-68 and 1-15). Sullivan discloses a system in accordance with claim 7 wherein said system further

comprises a second set of at least two power distribution units remote from said generation module and communicatively coupled to said generation module (col. 4, lines 45-63), at least one of said at least two power distribution units (col. 7, lines 51-55) within the second set connected to at least one critical device, said master control system configured to remotely monitor said generation module and instruct said at least one power distribution unit in the first set connected to the at least one essential device to stop supplying power to the at least one essential device (col. 20, lines 24-39).

Referring to claims 10-12, Sullivan discloses a system in accordance with claim 7 further comprising a conditioning module communicatively coupled to said generation module and said master control system, said master control system configured to remotely condition power from said generation module (col. 20, lines 24-39). Sullivan discloses system in accordance with claim 10 wherein said generation module comprises at least two power sources, said master control system configured to remotely manage which power source provides power (col. 4, lines 45-63). Sullivan discloses a system in accordance with claim 11 wherein said at least two power sources comprises: a utility power source; and a generating power source (col. 4, lines 45-63).

Referring to claims 15, 16, 18, and 20, Sullivan discloses a system in accordance with claim 9 wherein said generation module comprises at least two power sources, said master control system configured to remotely manage which power source provides power to said power distribution units (col. 4, lines 45-63). Sullivan discloses a system in accordance with claim 15 wherein said at least two power sources comprises: a utility power source; and a generating power source (col. 4, lines 45-63). Sullivan discloses a system in accordance with claim 16 further comprising an uninterrupted power supply (abstract). Sullivan discloses a

system in accordance with claim 19 wherein said master control system configured to remotely monitor said generation module using a plurality of programmable logic controllers (Fig. 2, 13A).

Sullivan does not expressly disclose capturing a waveform for the power supplied by the devices and storing power. Referring to claim 3 and 4, Blackett discloses a capturing a waveform for the power supplied to a load (col. 4, lines 40-49). Referring to claims 6, 13, 14, and 17, Blackett discloses using a flywheel energy storage system to store energy (col. 26, lines 12-21). Also, Sullivan does not expressly disclose receiving instructions via Ethernet. Blackett discloses the use of Ethernet communication for a power distribution system (col. 15, lines 1-31 and col. 31, lines 53-55)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Ethernet to remotely communicate instructions for removing power, to use a flywheel energy storage system to store energy, and capture waveform data for the power supplied the load. One of ordinary skill in the art would have been motivated to do this since it is now Ethernet connections allow for communication between remote areas, flywheels are commonly used to store energy in electrical management systems, and waveform data is usually captured to communicate power quality (col. 4, lines 40-49).

Allowable Subject Matter

4. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

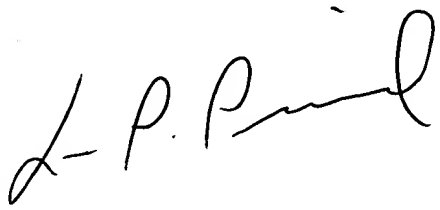
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK
November 19, 2004



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